

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME RAOUL, Attorney General)	
of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 2021-
)	(Enforcement – Land)
HANFLAND PAINTING)	
CONTRACTORS, LLC,)	
an Illinois limited liability corporation,)	
)	
Respondent.)	

NOTICE OF FILING

TO: See attached service list (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Notice of Filing, Complaint, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirement, copies of which are attached and hereby served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
KWAME RAOUL, Attorney General of the State
of Illinois

By: /s/Christina Nannini
CHRISTINA NANNINI, #6327367
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
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ebs@atg.state.il.us

Date: February 11, 2021

Service List

For the Respondent

Hanfland Painting

Gerald Hanfland

105 E. St. Louis

P.O. Box 144

Sigel, Illinois 62462

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HANFLAND PAINTING)	
CONTRACTORS, LLC,)	
an Illinois limited liability corporation,)	
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Respondent.)	

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, complains of Respondent, HANFLAND PAINTING CONTRACTORS, LLC, an Illinois limited liability corporation, as follows:

COUNT I
FAILURE TO MAKE WASTE DETERMINATION

1. This Count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2018).
2. The Illinois EPA is an agency of the State of Illinois, created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2018), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board.
3. The Illinois Pollution Control Board (“Board”) is an independent board created by the Illinois General Assembly in Section 5 of the Act, 415 ILCS 5/5 (2018), and charged, *inter alia*, with the duty of promulgating standards and regulations under the Act.

4. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2018), after providing Respondent, Hanfland Painting Contractors, LLC, with notice and the opportunity for a meeting with the Illinois EPA.

5. Respondent Hanfland Painting Contractors, LLC (“Hanfland” or “Respondent”), is an Illinois corporation, authorized and in good standing to conduct business in the State of Illinois. The registered agent for Hanfland is Gerald Hanfland, 105 East St. Louis, Sigel, Illinois 62462.

6. Hanfland contracted with the Village of Roberts (“Village”) to blast the Village’s water tower with high pressure water and repaint the tower.

7. The Village’s water tower is located in the 100 block of South Main Street in Roberts, Ford County, Illinois (“site”).

8. On October 2, 2019, the Illinois EPA received an anonymous citizen complaint of a painting contractor water blasting the Village’s water tower and allowing paint chips to blow throughout the Village.

9. On October 2, 2019, the Illinois EPA conducted an inspection of the site.

10. On October 2, 2019, Illinois EPA observed paint chips that had fallen from the tower, with a heavy dispersion of paint chips in the alleyways north and east of the water tower, in a yard east of the tower, and on properties northeast of the tower. Paint chips were located up to 300 feet away from the tower, and some chips had fallen on nearby roofs.

11. On October 2, 2019, Illinois EPA observed that most of the paint chips consisted of a light blue paint with the underside a mixture of green and blue. A red undercoat was present on some of the paint chips or had formed separate chips.

12. On October 2, 2019, Illinois EPA spoke with an employee of Hanfland and Gerald Hanfland, who advised that the paint had not been tested for lead.

13. On October 2, 2019, the Illinois Department of Public Health conducted testing of the paint chips.

14. The testing revealed that the outer blue layers of paint read from 0.3 to 0.6-meter units, while the red paint read 12-meter units. A result greater than 1.0 meter units is considered lead-based paint.

15. Section 21(f)(1)-(2) of the Act, 415 ILCS 5/21(f)(1)-(2) (2018), provides as follows:

No person shall:

- (f) Conduct any hazardous waste-storage, hazardous waste treatment or hazardous waste-disposal operation:
 - (1) without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act, or in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; or
 - (2) in violation of any regulations or standards adopted by the Board under this Act;

16. Section 3.315 of the Act, 415 ILCS 5/3.315 (2018), provides as follows:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

17. Hanfland is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2018).

18. Section 721.102 of the Board regulations, 35 Ill. Adm. Code 721.102, provides, in pertinent part, as follows:

A solid waste is any discarded material that is not excluded pursuant to Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131 or 35 Ill. Adm. Code 720.130 and 720.134.

19. The paint chips at the site are “solid waste” as that term is defined in Section 721.102 of the Board regulations, 35 Ill. Adm. Code 721.102.

20. Section 722.111 of the Board regulations, 35 Ill. Adm. Code 722.111, provides as follows:

A person that generates a solid waste, as defined in 35 Ill. Adm. Code 102, must determine if that waste is a hazardous waste using the following method:

- (a) The person should first determine if the waste is excluded from regulation under 35 Ill. Adm. Code 721.104.
- (b) The person should then determine if the waste is listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721.

BOARD NOTE: Even if a waste is listed as a hazardous waste, the generator still has an opportunity under 35 Ill. Adm. Code 720.122 to demonstrate that the waste from the generator’s particular facility or operation is not a hazardous waste.

- (c) For purposes of compliance with 35 Ill. Adm. Code 728, or if the waste is not listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721, the generator must then determine whether the waste is identified in Subpart C of 35 Ill. Adm. Code 721 by either of the following methods:
 - (1) Testing the waste according to the methods set forth in Subpart C of 35 Ill. Adm. Code 721, or according to an equivalent method approved by the Board under 35 Ill. Adm. Code 720.121; or
 - (2) Applying knowledge of the hazard characteristic of the waste in light of the materials or processes used.

- (d) If the generator determines that the waste is hazardous, the generator must refer to 35 Ill. Adm. Code 721, 724 through 728 and 733 for possible exclusions or restrictions pertaining to the management of the specific waste.

21. Section 721.124 of the Board regulations, 35 Ill. Adm. Code 721.124, provides, in pertinent part, as follows:

USEPA Hazardous Waste No.	Contaminant	CAS Number	Regulatory Level (mg/l)
***	***	***	***
D008	Lead	7439-92-1	5.0

22. Section 721.103(a)(2)(A) of the Board regulations, 35 Ill. Adm. Code 721.103(a)(2)(A), provides as follows:

- (a) A solid waste, as defined in Section 721.102, is a hazardous waste if the following is true of the waste:
 - (2) It meets any of the following criteria:
 - (A) It exhibits any of the characteristics of hazardous waste identified in Subpart C.

23. The paint chips containing lead generated by the high pressure water blasting of the water tower are a “hazardous waste” as that term is defined in Section 721.103 of the Board regulations, 35 Ill. Adm. Code 721.103.

24. Section 3.185 of the Act, 415 ILCS 5/3.185 (2018), provides the following definition:

“Disposal” means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

25. Waste was discharged, deposited, dumped, spilled, leaked, and/or placed on the land at the site in such a manner that waste, or constituents thereof, may enter the environment, be emitted into the air, or be discharged into waters or ground waters. Therefore, “disposal” occurred on the site as that term is defined in Section 3.185 of the Act, 415 ICLS 5/3.185 (2018).

26. By generating the paint chips containing lead, Hanfland conducted a hazardous waste-disposal operation.

27. Beginning prior to October 2, 2019, and on dates better known to Hanfland, Hanfland did not conduct a hazardous waste determination on the paint chips Hanfland generated at the site.

28. By failing to determine if the paint chips it generated were a hazardous waste, Hanfland violated Section 722.111 of the Board regulations, 35 Ill. Adm. Code 722.111, and thereby violated Section 21(f)(2) of the Act, 415 ILCS 5.21(f)(2) (2018), by conducting a hazardous waste-disposal operation in violation of any regulations or standards adopted by the Board.

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against Respondent, HANFLAND PAINTING CONTRACTORS, LLC:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that Respondent has violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2018), and Section 722.111 of the Board regulations, 35 Ill. Adm. Code 722.111;

C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;

D. Pursuant to Section 42(b)(3) of the Act, 415 ILCS 5/42(b)(3) (2018), imposing upon Respondent for violating Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (2018), and Section 722.111 of the Board regulations, 35 Ill. Adm. Code 722.111, a civil penalty of up to \$25,000.00 per day of violation; and

E. Granting such other relief as the Board may deem appropriate.

COUNT II
CONDUCTING A HAZARDOUS WASTE-DISPOSAL OPERATION WITHOUT A
RCRA PERMIT

1-25. Complainant adopts and incorporates by reference herein paragraphs 1 through 25 of Count I as paragraphs 1 through 25 of this Count II.

26. Hanfland has never been issued a RCRA permit by Illinois EPA authorizing it to conduct a hazardous waste-disposal operation at the site.

27. Hanfland conducted a hazardous waste-disposal operation at the site without a RCRA permit.

28. By conducting a hazardous waste-disposal operation without a RCRA permit, Hanfland violated Section 21(f)(1) of the Act, 415 ILCS 5/21(f)(1) (2018).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against Respondent, HANFLAND PAINTING CONTRACTORS, LLC:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

- B. Finding that Respondent has violated Section 21(f)(1) of the Act, 415 ILCS 5/21(f)(1) (2018);
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. Pursuant to Section 42(b)(3) of the Act, 415 ILCS 5/42(b)(3) (2018), imposing upon Respondent for violating Section 21(f)(1) of the Act, 415 ILCS 5/21(f)(1) (2018), a civil penalty of up to \$25,000.00 per day of violation; and
- E. Granting such other relief as the Board may deem appropriate.

COUNT III
OPEN DUMPING OF LEAD-BASED PAINT CHIPS

- 1-18. Complainant adopts and incorporates by reference herein paragraphs 1 through 14, 16, 17, 24, and 25 of Count I as paragraphs 1 through 18 of this Count III.
- 19. Section 21(a) of the Act, 415 ILCS 5/21(a), provides as follows:
 - No person shall:
 - (a) Cause or allow the open dumping of any waste.
- 20. Section 3.535 of the Act, 415 ILCS 5/3.535 (2018), provides, in pertinent part, as follows:
 - “Waste” means any garbage . . . or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities. . . .
- 21. Section 3.385 of the Act, 415 ILCS 5/3.385 (2018), provides as follows:
 - “Refuse” means waste.
- 22. The paint chips present on the site on October 2, 2019 are “discarded material,” are therefore “waste” as that term is defined in Section 3.535 of the Act, 415 ILCS 5/3.535 (2018),

and are therefore also “refuse” as that term is defined in Section 3.385 of the Act, 415 ILCS 5/3.385 (2018).

23. Section 3.305 of the Act, 415 ILCS 5/3.305 (2018), provides as follows:

“Open dumping” means the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill.

24. Section 3.460 of the Act, 415 ILCS 5/3.460 (2018), provides as follows:

“Site” means any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by this Act or regulations thereunder.

25. The site is a “site” on which waste has been “disposed,” as those terms are defined in Section 3.185 and 3.460 of the Act, 415 ILCS 5/3.185 and 3.460 (2018), making the site a “disposal site” as that term is used in Section 3.305 of the Act, 415 ILCS 5/3.305 (2018).

26. Section 3.445 of the Act, 415 ILCS 5/3.445 (2018), provides, in pertinent part, as follows:

“Sanitary landfill” means a facility permitted by the Agency for the disposal of waste on land . . . without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day’s operation, or by such other methods and intervals as the Board may provide by regulation.

27. Section 3.105 of the Act, 415 ILCS 5/3.105 (2018), provides as follows:

“Agency” is the Environmental Protection Agency established by this Act.

28. At all times relevant to this Complaint, the site was not permitted by Illinois EPA for the disposal of wastes on land, and therefore is not a “sanitary landfill” as that term is defined in Section 3.445 of the Act, 415 ILCS 5/3.445 (2018).

29. Beginning prior to October 2, 2019, and on dates better known to the Respondent, Respondent caused or allowed the consolidation of refuse at a disposal site not meeting the

requirements of a sanitary landfill, and therefore caused or allowed open dumping of waste at the site.

30. By causing or allowing the open dumping of waste at the site, Defendant has violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2018).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against Respondent, HANFLAND PAINTING CONTRACTORS, LLC:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that Respondent has violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2018);

C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;

D. Assessing against Respondent a civil penalty of \$50,000.00 for each violation of the Act, and an additional civil penalty of \$10,000.00 for each day such violations continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2018); and

E. Granting such other relief as the Board may deem appropriate.

COUNT IV
OPEN DUMPING RESULTING IN LITTER

1-29. Complainant adopts and incorporates by reference herein paragraphs 1 through 14, 16, 17, 24, and 25 of Count I, and paragraphs 19 through 29 of Count III, as paragraphs 1 through 29 of this Count IV.

30. Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2018), provides, in pertinent part, as follows:

No person shall:

(p) In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site:

(1) litter;

31. Discarded paint chips present at the site on October 2, 2019 constitute litter.

32. Beginning prior to October 2, 2019, and on dates better known to the Respondent, Respondent caused or allowed the open dumping of waste at the site in violation of Section 21(a) of the Act, 415 ILCS 5/21(a) (2018), in a manner that resulted in litter, and thereby has violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2018).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against Respondent, HANFLAND PAINTING CONTRACTORS, LLC:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

B. Finding that Respondent has violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2018);

C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;

D. Assessing against Respondent a civil penalty of \$50,000.00 for each violation of the Act, and an additional civil penalty of \$10,000.00 for each day such violations continued,

pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2018); and

E. Granting such other relief as the Board may deem appropriate.

COUNT V
WASTE DISPOSAL AT AN IMPROPER SITE

1-29. Complainant adopts and incorporates by reference herein paragraphs 1 through 14, 16, 17, 24 and 25 of Count I, and paragraphs 19 through 29 of Count III, as paragraphs 1 through 29 of this Count V.

30. Section 21(e) of the Act, 415 ILCS 5/21(e) (2018), provides, in pertinent part, as follows:

No person shall:

(e) Dispose, treat, store or abandon any waste . . . except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

31. The site is not a site or facility that meets the requirements of the Act and of the regulations and standards promulgated thereunder for waste disposal.

32. Beginning prior to October 2, 2019, and on dates better known to the Respondent, Respondent disposed of, stored, and/or abandoned waste at the site.

33. By disposing, storing, and/or abandoning waste at the site, Respondent violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2018).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against Respondent, HANFLAND PAINTING CONTRACTORS, LLC:

A. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

- B. Finding that Respondent has violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2018);
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. Assessing against Respondent a civil penalty of \$50,000.00 for each violation of the Act, and an additional civil penalty of \$10,000.00 for each day such violations continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2018); and
- E. Granting such other relief as the Board may deem appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by KWAME RAOUL, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

By: /s/ Andrew Armstrong
ANDREW B. ARMSTRONG, Chief
Attorney Id No. 6282447
Environmental Bureau
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Christina L. Nannini
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HANFLAND PAINTING)
CONTRACTORS, LLC,)
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Respondent.)

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency (“Illinois EPA”), and HANFLAND PAINTING CONTRACTORS, LLC, an Illinois limited liability corporation (“Respondent”) (collectively “Parties to the Stipulation”), have agreed to enter into this Stipulation and Proposal for Settlement (“Stipulation”) and submit it to the Illinois Pollution Control Board (“Board”) for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board’s approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1 *et seq.* (2018), and the Board’s Regulations, alleged in the Complaint, except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties

1. Contemporaneously with the filing of this Stipulation, a Complaint was filed against the Respondent on behalf of the People of the State of Illinois by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2018).

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2018).

3. Hanfland Painting Contractors, LLC (“Respondent”) is an Illinois corporation that contracted with the Village of Roberts to blast and repaint the Village’s water tower located in the 100 block of South Main Street in Roberts, Ford County, Illinois (“site”).

4. On October 2, 2019, Illinois EPA conducted an inspection of the site, and observed paint chips that had fallen from the tower, with a heavy dispersion of paint chips in the alleyways north and east of the water tower, in a yard east of the tower, and on properties northeast of the tower.

5. On October 2, 2019, Illinois EPA observed that most of the paint chips consisted of a light blue paint with the underside a mixture of green and blue. A red undercoat was present on some of the paint chips or had formed separate chips.

6. On October 2, 2019, Illinois EPA spoke with an employee of Hanfland Painting Contractors, LLC and Gerald Hanfland, who advised that the paint had not been tested for lead.

7. On October 2, 2019, the Illinois Department of Public Health conducted testing of the paint chips.

8. The testing revealed that the outer blue layers of paint read from 0.3 to 0.6-meter units, while the red paint read 12-meter units. A result greater than 1.0 meter units is considered lead-based paint.

B. Allegations of Non-Compliance

Complainant contends that the Respondent has violated the following provisions of the Act and Board Regulations:

Count I: Failure to Make Waste Determination
415 ILCS 5/21(f)(2)
35 Ill. Adm. Code 722.111

Count II: Conducting a Hazardous Waste-Disposal Operation Without a RCRA Permit
415 ILCS 5/21(f)(1)

Count III: Open Dumping of Lead-Based Paint Chips
415 ILCS 5/21(a)

Count IV: Open Dumping Resulting in Litter
415 ILCS 5/21(p)(1)

Count V: Waste Disposal at an Improper Site
415 ILCS 5/21(e)

C. Admission of Violations

The Respondent admits to the violations alleged in the Complaint filed in this matter and referenced within Section I.B herein.

D. Compliance Activities

The Village of Roberts has been conducting the required work to bring the site back into compliance.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2018).

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2018), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. Human health and the environment were threatened by Respondent's alleged violations.
2. There is social and economic benefit to the work done by Respondent.
3. The work done by Respondent is suitable for the area where it was conducted, so long as it is done in compliance with the Act and Board Regulations.
4. Conducting the work in compliance with the Act and Board Regulations was both technically practicable and economically reasonable.
5. Respondent cooperated with subsequent efforts to remediate the site.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2018), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection (i) of this Section, the non-compliance to the Agency;

7. whether the respondent has agreed to undertake a “supplemental environmental project,” which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. The paint chips were observed on October 2, 2019. The Village hired a contractor to remove the paint chips and remediate the site.
2. Respondent cooperated with efforts to remediate the site, once the Illinois EPA notified it of its non-compliance.
3. The civil penalty takes into account any economic benefit realized by the Respondent as a result of avoided or delayed compliance.
4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Thirteen Thousand Dollars (\$13,000.00) will serve to deter violations and aid in future voluntary compliance with the Act and Board Regulations.
5. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act.
6. Self-disclosure is not at issue in this matter.
7. The settlement of this matter does not include a supplemental environmental project.
8. A Compliance Commitment Agreement was not at issue in this matter.

V. TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of Thirteen Thousand dollars (\$13,000.00) within thirty (30) calendar days from the date the Board adopts and accepts this Stipulation.

B. Interest and Default

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

C. Payment Procedures

All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services #2
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

The name and case number shall appear on the face of the certified check or money order. A copy of the certified check or money order and any transmittal letter shall be sent to:

Christina L. Nannini
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

D. Future Compliance

1. This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

2. The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

E. Release from Liability

In consideration of the Respondent's payment of the \$13,000.00 penalty, its commitment to cease and desist as contained in Section V.D.2 above, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the alleged violations of the Act and Board Regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed contemporaneously with this Stipulation. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;

- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondent.

F. Enforcement

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

G. Execution of Stipulation

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.


WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.


PEOPLE OF THE STATE OF ILLINOIS,
KWAME RAOUL
Attorney General
State of Illinois

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

JOHN J. KIM, Director
Illinois Environmental Protection Agency

BY: 
ANDREW ARMSTRONG, Chief
Environmental Bureau
Assistant Attorney General

BY: 
CHARLES W. GUNNARSON
Chief Legal Counsel

DATE: 02/08/2021

DATE: 01/28/21

HANFLAND PAINTING
CONTRACTORS, LLC

BY: 
GERALD HANFLAND, President

DATE: 1-8-21

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME RAOUL, Attorney General)	
of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 2021-
)	(Enforcement – Land)
HANFLAND PAINTING)	
CONTRACTORS, LLC,)	
an Illinois limited liability corporation,)	
)	
Respondent.)	

MOTION FOR RELIEF FROM HEARING

NOW COMES Complainant, People of the State of Illinois, by Kwame Raoul, Attorney General of the State of Illinois, and requests relief from the requirement of a hearing in this matter.

In support thereof, Complainant states as follows:

1. Filed contemporaneously with this Motion is a Stipulation and Proposal for Settlement executed between Complainant and the Respondent, Hanfland Painting Contractors, LLC, an Illinois limited liability corporation.

2. Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2018), provides as follows:

(c)(2) Notwithstanding the provisions of subdivision (1) of this subsection (c), whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing pursuant to subdivision (1). Unless the Board, in its discretion, concludes that a hearing will be held, the Board shall cause notice of the stipulation, proposal and request for relief to be published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice shall include a statement that any person may file a written demand for hearing within 21 days after receiving the notice. If any person files a timely written demand for hearing, the

Board shall deny the request for relief from a hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

3. No hearing is scheduled in this matter.

4. Complainant hereby requests relief from the requirement of a hearing pursuant to

Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2018).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

KWAME RAOUL
ATTORNEY GENERAL

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: /s/ Christina L. Nannini
CHRISTINA L. NANNINI
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031
cnannini@atg.state.il.us
ebs@atg.state.il.us

Dated: February 11, 2021

CERTIFICATE OF SERVICE

I hereby certify that I did on February 11, 2021, I served by certified mail, return receipt requested, a true and correct copy of the documents entitled, Notice of Filing, Complaint, Stipulation and Proposal for Settlement and Motion for Relief from Hearing Requirements to:

Hanfland Painting
Gerald Hanfland
105 E. St. Louis
P.O. Box 144
Sigel, Illinois 62462

s/Lilia M. Brown
Lilia M. Brown
Administrative Clerk
Environmental Bureau

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this certificate of service are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

s/Lilia M. Brown
Lilia M. Brown
Administrative Clerk
Environmental Bureau